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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,291	02/28/2002	Shiyan S. Hua	LUT 20079	3105
7590	03/16/2005		EXAMINER	
John P. Cornely Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 03/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,291	HUA ET AL.	
	Examiner	Art Unit	
	Isaac M Woo	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Responses, filed on January 06, 2005 have been considered but they are not persuasive.
2. Claims 1-20 are pending.

Response to arguments

3. In response to Applicant's Remarks filed on January 06, 2005, the following factual arguments are noted:

Polish (U.S. Patent No. 6,430,531) does not disclose or suggest, "receiving a telephone call from a viewer via a telephone system" claim 11 calls for "service control point connected to a telephone system" and "query generating means for generating a search query in response to a telephone call received from a viewer via the telephone system". And search results are displayable.

However, examiner disagrees. Applicant argues the limitations for "service control point connected to a telephone system" for claim 11. In response to applicant's arguments, the recitation "service control point connected to a telephone system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Applicant argues Polish does not teach, “receiving a telephone call from a viewer via a telephone system”. However, applicant does not clearly claim. Because the claim limitation does not specify who or which is receiving (a person or a system), which is important to execute applicant’s invention. Nonetheless, whoever or whichever receives telephone call, it has nothing to do with claim limitation (b) that “generating a search query in response to the telephone call. For instance, when a person receives telephone call, how can the person generate query. The method to generate query is not clear in response to telephone call (by typing search query to the system after listening telephone voice instruction or by direct telephone voice conversion to the system to generate search query?). These claim limitations can be rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Thus, this requires the steps for conversion from telephone call to system to execute search query. But current limitation misses them. Examiner interprets that after receiving phone call (any voice either directly from phone call or person’s voice), the system converts the voice to the system understandable search query. The system of Polish discloses accepting a voice and converts it to search queries. And the system of Polish discloses, FIG. 1 illustrates a system ST1101 that serves a user who, for example, may wish to query a guide such as a television program guide to determine when one or more reruns of a particular television program, e.g. a Seinfeld rerun, is available”, and table

output see (fig. 1, col. 3, lines 16-25). This teaches that TV program guide displays programs on TV screen (displayable).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polish (U.S. Patent No. 6,430,531).

With respect claims 1 and 11, Polish discloses, receiving a telephone call from a viewer via a telephone system, see (SR1, fig. 2, fig. 8, col. 3, lines 17-67 to col. 4, lines 1-37); generating a search query in response to the telephone call, see (LM1, phone input is converted into text query input (fig. 3) and query generation according to text input, fig. 4, fig. 8, col. 3, lines 17-67 to col. 4, lines 1-37); searching a database in accordance with the search query, see (109, fig. 1, fig. 4, fig. 8, col. 4, lines 54-67, col. 5, lines 65-67 to col. 6, lines 1-30), the database containing television programming information (television program guide, col. 3, lines 17-25); generating search results from the searching, the search results including entries from the database that

correspond to the search query, see (fig. 1, fig.4, fig. 5, col. 3, lines 18-67 to col. 4, lines 1-67 to col. 5, lines 1-65, col. 6, lines 1-61); and, sending the search results to a television receiver box of the viewer via a television system such that the search results upon a television operatively connected to the receiver box, see (fig. 1, fig. 4, fig. 5, col. 3, lines 18-67 to col. 4, lines 1-67 to col. 5, lines 1-65, col. 6, lines 1-61). Polish discloses the search results, (fig.5). Polish does not explicitly disclose the search results are displayable. However, disclosed system of the Polish is to provide television program guide to a user based on speech input query to search, the speech input is converted to text for query input, and provides (displays) television program guide to the user, see (col. 1, lines 24-67 to col. 2, lines 1-61, col. 3, lines 1-67). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was to modify Polish by incorporating the search results are displayable. Thus, one having ordinary skill in the art at the time the invention was made would have been motivated to use such a modification because that would provide Polish's system the enhanced television program guides to the user with displayable medium, such as, television screen or computer screen.

With respect to claim 2, Polish discloses identifying the viewer from which the telephone call is received via caller ID, see (fig. 1, col. 4, lines 54-67).

With respect to claim 3, Polish discloses search query is at least partially generated from spoken language from the viewer which is received via the telephone

system and input into a voice recognition module, see (fig. 1, fig. 4, fig. 8, col. 4, lines 54-67, col. 5, lines 65-67 to col. 6, lines 1-30).

With respect to claims 4-5, Polish discloses current television programming information and period of future television programming information are maintained in the database, see (111, fig. 1, col. 4, lines 54-67).

With respect to claim 6, Polish discloses deactivating the search results after the telephone call has terminated such that they are no longer displayable on the television, see (col. 1, lines 24-67 to col. 2, lines 1-61, col. 3, lines 1-67).

With respect to claim 7, Polish discloses announcing a summary of the search results to the viewer via the telephone system, see (col. 1, lines 24-67 to col. 2, lines 1-61, col. 3, lines 1-67).

With respect to claims 8-10, Polish discloses the search results include a list of channels showing programs which match the search query, wherein the viewer can selectively scroll through the list of channels and the viewer can select a channel from the list of channels to view information about the program being shown on that channel, see (fig. 1, fig. 4, fig. 8, col. 4, lines 54-67, col. 5, lines 65-67 to col. 6, lines 1-30).

With respect to claim 12, Polish discloses voice recognition module that receives spoken language from the viewer and converts it into at least a portion of the search query, see (fig. 1, fig. 2, fig. 8, col. 3, lines 17-67 to col. 4, lines 1-37).

With respect to claims 13-14, Polish discloses current television programming information and period of future television programming information are maintained in the database, see (fig. 1, col. 4, lines 54-67).

With respect to claims 15-17, Polish discloses the television system is selected from a group consisting of a digital cable television system, an analog cable television system, and a satellite television system, the television programming information includes abstractions of program content, and the database includes a searchable field containing identification of program types, see (fig. 1, fig. 4, fig. 8, col. 4, lines 54-67, col. 5, lines 65-67 to col. 6, lines 1-30).

With respect to claims 18-19, Polish identification means for identifying the viewer from which a call is received with caller ID, see (fig. 1, col. 4, lines 54-67).

With respect to claim 20, Polish discloses search results include a list of channels showing programs which match the search query, see (col. 1, lines 24-67 to col. 2, lines 1-61, col. 3, lines 1-67).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
March 9, 2005



JEAN M. CORNELIUS
PRIMARY EXAMINER